

House File 2455

H-8224

1 Amend House File 2455 as follows:

2 1. Page 17, after line 10 by inserting:

3 <DIVISION ____

4 MISCELLANEOUS PROVISIONS — SERVICE CONTRACT RECIPIENTS

5 Sec. ____ . Section 8F.3, subsection 1, paragraphs b
6 and d, Code 2016, are amended to read as follows:

7 *b.* Information regarding the training and education
8 received by the members of the governing body of
9 the recipient entity relating to the duties and
10 legal responsibilities of the governing body. The
11 information shall also include certification that
12 the members of the governing body have completed a
13 training program established pursuant to section 19B.7,
14 subsection 3.

15 *d.* Information regarding any policies adopted
16 by the governing body of the recipient entity that
17 prohibit taking adverse employment action against
18 employees of the recipient entity who disclose
19 information about a service contract, to include
20 information about the pay and benefits received by
21 an employee of a recipient entity, to the oversight
22 agency, the auditor of state, the office of the
23 attorney general, or the office of ombudsman and
24 that state whether those policies are substantially
25 similar to the protection provided to state employees
26 under [section 70A.28](#). The information provided shall
27 state whether employees of the recipient entity are
28 informed on a regular basis of their rights to disclose
29 information to the oversight agency, the office of
30 ombudsman, the auditor of state, or the office of the
31 attorney general and the telephone numbers of those
32 organizations.

33 Sec. ____ . Section 19B.7, Code 2016, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 3. The department of

1 administrative services, in coordination with
2 the Iowa civil rights commission, shall establish a
3 training program for prospective recipient entities, as
4 defined in section 8F.2, concerning the requirements
5 of this section, and chapter 216, relative to the
6 administration and promotion of equal opportunity and
7 the prohibition of discriminatory and unfair practices
8 within any program receiving or benefiting from state
9 financial assistance. The program shall specifically
10 include guidance relative to unfair employment
11 practices as described in section 216.6, and wage
12 discrimination in employment prohibitions as described
13 in section 216.6A.

14 DIVISION ____

15 MISCELLANEOUS PROVISIONS — WAGE DISCRIMINATION IN
16 EMPLOYMENT

17 Sec. ____ . Section 216.6A, Code 2016, is amended by
18 adding the following new subsection:

19 NEW SUBSECTION. 2A. It shall be an unfair or
20 discriminatory practice for any employer or agent of
21 any employer to do any of the following:

22 a. Require, as a condition of employment, that
23 an employee refrain from disclosing, discussing,
24 or sharing information about the amount of the
25 employee's wages, benefits, or other compensation or
26 from inquiring, discussing, or sharing information
27 about any other employee's wages, benefits, or other
28 compensation.

29 b. Require, as a condition of employment, that an
30 employee sign a waiver or other document that requires
31 an employee to refrain from engaging in any of the
32 activities permitted under paragraph "a".

33 c. Discriminate or retaliate against an employee
34 for engaging in any of the activities permitted under
35 paragraph "a".

1 d. Seek salary history information, including
2 but not limited to information on compensation and
3 benefits, from a potential employee as a condition of a
4 job interview or employment. This paragraph shall not
5 be construed to prohibit a prospective employer from
6 asking a prospective employee what salary level the
7 prospective employee would require in order to accept
8 a job.

9 e. Release the salary history, including but
10 not limited to information on compensation and
11 benefits, of any current or former employee to any
12 prospective employer in response to a request as part
13 of an interview or hiring process without written
14 authorization from such current or former employee.

15 f. Publish, list, or post within the employer's
16 organization, with any employment agency, job-listing
17 service, or internet site, or in any other public
18 manner, an advertisement to recruit candidates for hire
19 or independent contractors to fill a position within
20 the employer's organization without including the
21 minimum rate of pay of the position. The rate of pay
22 may be by the hour, shift, day, week, salary, piece,
23 commission, or other applicable rate. The rate of pay
24 shall include overtime and allowances, if any, claimed
25 as part of the minimum wage, including but not limited
26 to tipped wages.

27 g. Pay a newly hired employee at less than the
28 rate of pay advertised for the employee's position as
29 required under paragraph "f".

30 DIVISION ____

31 MISCELLANEOUS PROVISIONS — WAGE DISCRIMINATION —

32 EQUAL PAY TASK FORCE AND REPORT

33 Sec. ____ . EQUAL PAY TASK FORCE AND REPORT.

34 1. An equal pay task force is created. The task
35 force shall consist of the following members:

- 1 a. The director of the civil rights commission, or
2 the director's designee.
- 3 b. The director of the department of human rights,
4 or the director's designee.
- 5 c. An employee of the labor market information
6 division of the department of workforce development
7 designated by the director of the department.
- 8 d. A representative of the association of business
9 and industry, appointed by the president of the
10 association.
- 11 e. A member of a statewide labor organization
12 designated by the legislative council, appointed by the
13 president of the organization.
- 14 f. Two representatives of organizations whose
15 objectives include the elimination of pay disparities
16 between men and women and minorities and nonminorities
17 and that have undertaken advocacy, educational, or
18 legislative initiatives in pursuit of such objectives
19 appointed by the director of the civil rights
20 commission in consultation with the leadership of those
21 organizations.
- 22 g. Two representatives of postsecondary education
23 institutions who have experience and expertise in
24 the collection and analysis of data concerning pay
25 disparities between men and women and minorities and
26 nonminorities and whose research has been used in
27 efforts to promote the elimination of such disparities
28 appointed by the director of the civil rights
29 commission in consultation with the leadership of those
30 institutions.
- 31 h. Four members of the general assembly serving
32 as ex officio, nonvoting members, one representative
33 to be appointed by the speaker of the house of
34 representatives, one representative to be appointed by
35 the minority leader of the house of representatives,

1 one senator to be appointed by the majority leader of
2 the senate, and one senator to be appointed by the
3 minority leader of the senate.

4 2. The task force shall study all of the following:

5 a. The extent of wage disparities, both in the
6 public and private sectors, between men and women and
7 between minorities and nonminorities.

8 b. Factors that cause, or which tend to cause, such
9 disparities, including segregation between women and
10 men and between minorities and nonminorities across
11 and within occupations, payment of lower wages for
12 work in female-dominated occupations, child-rearing
13 responsibilities, the number of women who are heads of
14 households, education, hours worked, and years on the
15 job.

16 c. The consequences of such disparities on the
17 economy and affected families.

18 d. Actions likely to lead to the elimination and
19 prevention of such disparities.

20 3. The civil rights commission shall provide
21 staffing services for the task force.

22 4. The voting members shall elect a chairperson
23 from the voting membership of the task force. A
24 majority of the voting members of the task force
25 constitutes a quorum.

26 5. Voting members of the task force shall receive
27 reimbursement for actual expenses incurred while
28 serving in their official capacity only if they are not
29 eligible for reimbursement by the organization that
30 they represent. Legislative members shall be paid the
31 per diem and expenses specified in section 2.10.

32 6. The task force shall submit a report regarding
33 its findings and its recommendations regarding
34 potential actions for the elimination and prevention
35 of disparities in wages between men and women and

1 minorities and nonminorities to the governor and the
2 general assembly no later than December 22, 2017.

3 DIVISION ____

4 MISCELLANEOUS PROVISIONS — WAGE DISCRIMINATION

5 Sec. ____ . ADDITIONAL UNFAIR OR DISCRIMINATORY
6 PRACTICE — WAGE DISCRIMINATION IN EMPLOYMENT.

7 1. As stated in chapter 216, the general assembly
8 finds that the practice of discriminating against any
9 employee because of the age, race, creed, color, sex,
10 sexual orientation, gender identity, national origin,
11 religion, or disability of such employee by paying
12 wages to such employee at a rate less than the rate
13 paid to other employees does all of the following:

- 14 a. Unjustly discriminates against the person
15 receiving the lesser rate.
- 16 b. Leads to low employee morale, high turnover, and
17 frequent labor unrest.
- 18 c. Discourages employees paid at lesser wage rates
19 from training for higher level jobs.
- 20 d. Curtails employment opportunities, decreases
21 employees' mobility, and increases labor costs.
- 22 e. Impairs purchasing power and threatens the
23 maintenance of an adequate standard of living by such
24 employees and their families.
- 25 f. Prevents optimum utilization of the state's
26 available labor resources.
- 27 g. Threatens the well-being of citizens of this
28 state and adversely affects the general welfare.

29 2. As stated in section 216.6A, it remains
30 unfair or discriminatory practice for any employer
31 or agent of any employer to discriminate against
32 any employee because of the age, race, creed, color,
33 sex, sexual orientation, gender identity, national
34 origin, religion, or disability of such employee by
35 paying wages to such employee at a rate less than the

1 rate paid to other employees who are employed within
2 the same establishment for equal work on jobs, the
3 performance of which requires equal skill, effort, and
4 responsibility, and which are performed under similar
5 working conditions. As also stated in section 216.6A,
6 an employer or agent of an employer who is paying wages
7 to an employee at a rate less than the rate paid to
8 other employees in violation of this section shall not
9 remedy the violation by reducing the wage rate of any
10 employee.>

11 2. By renumbering as necessary.

FINKENAUER of Dubuque

ABDUL-SAMAD of Polk

ANDERSON of Polk

BEARINGER of Fayette

BENNETT of Linn

BROWN-POWERS of Black Hawk

COHOON of Des Moines

DAWSON of Woodbury

DUNKEL of Dubuque

FORBES of Polk

GAINES of Polk

GASKILL of Wapello

HALL of Woodbury

HANSON of Jefferson

HEDDENS of Story

HUNTER of Polk

ISENHART of Dubuque

JACOBY of Johnson

KEARNS of Lee

KELLEY of Jasper

KRESSIG of Black Hawk

LENSING of Johnson

LYKAM of Scott

MASCHER of Johnson

McCONKEY of Pottawattamie

MEYER of Polk

H. MILLER of Webster

OLDSON of Polk

OLSON of Polk

OURTH of Warren

PRICHARD of Floyd

RUFF of Clayton

RUNNING-MARQUARDT of Linn

SMITH of Marshall

STAED of Linn

STECKMAN of Cerro Gordo

STUTSMAN of Johnson

T. TAYLOR of Linn

THEDE of Scott

WESSEL-KROESCHELL of Story

WINCKLER of Scott

WOLFE of Clinton